Permitting & Enforcement Committee Meeting – May 13, 2008

Lazarus Government Center
Ohio EPA
7th Floor DAPC conference room

Attendees: Co-Chairs - Jim Orlemann (CO), Jim Braun (Cleveland)
Minutes - Ed Fasko (NEDO)
- Mike Ahern, Cheryl Suttman, Andrew Hall, Mike Hopkins, (CO), Luke Mountjoy, Mike Riggleman, Todd Scarborough, (CDO), Jeff Canan, Dale Davidson, (RAPCA), Sarah Harter, (SEDO), Mary Lehman-Schmidt, (Toledo), Frank Markunas, (Akron), Cindy Charles, Anne Chamberlin, (Portsmouth), Mark Budge, (NWDO), Craig Osborne, Madhava Dasari, (SWDO), Rick Carleski, (CO/OCAPP),

1. **Enforcement issues -** Jim Orlemann

Jim Orlemann handed out his enforcement numbers with graphs, in addition to a summation of the inspections completed so far this year. The concern about the number of inspections completed was an issue for Jim, as the Feds are tracking inspections and expect them to be completed in the month that they were committed to. A 5/9/08 memo went out to the DAPC program managers at each DO/LAA from Bob Hodanbosi addressing this. For those offices that have not met the goal, Jim has requested a plan by May 23. He said counting the extra inspections that some offices have done can be part of the plan. Also, it is acceptable to switch the inspections as long as the goal to meet 100% of the Title V's over two years and 100% of the FESOPS/Synthetic Minors in five years is not compromised.

In regard to the enforcement program, Jim said the division goals were turned in; they are the same goals as the past. Old cases used to be defined as 21 months old, are now 18 months old. Old cases are still to be resolved by the end of the year. F & O's goal have moved from 40 to 50. Jim pointed out that 95% of the EAR's submitted were done so within 18 months of discovery of the violation. 90 cases are at the AGO's office; several which are scheduled for trial, including Shelly. A question was raised about the possibility of establishing unilateral orders for specific enforcement situations. They have worked well for open burning, although several have been appealed. Jim was not disagreeable to a general rule for unilateral orders, though he feels source specific written into the individual rule would be more appropriate. Jim also talked of a bill in the legislature in which penalty waivers may be established for first time violators and administrative violations. Also suggested for unilateral orders were fugitive dust at construction sites, VE violations and gasoline dispensing facilities. These are blatant violations now that enforcement is slow on and might benefit from unilateral orders.

Action Item: Keep on top of inspection commitments. If behind, get plan to Jim Orlemann by 5/23.

2. **New Source Review** - Mike Hopkins

Mike indicated the Feds passed the new PM2.5 NSR rules on May 9, 2008. The final rule will become effective in thirty days approximately June 9, 2008. We will not do anything different at this time. The state has to modify our rules to match the Federal Rules. We will use PM 10 as a surrogate at this time. Engineering Guide #74 was being held up until the Federal Rules on

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PM2.5 were passed. Andrew Hall's group can now progress on this project. In regards to Title V applicability, PM 2.5 will be added, but PM 10 will be retained in STARS2.

A JACARR meeting on rules was held yesterday and. The PTIO rules were being held up and after involvement of the director and governor's office, the issues were resolved and the rules should go through as planned. The director will sign off in order to have an effective date for the rules coincide with the deployment of STARS2. Mike thanked all for the efforts made to reduce the PTI backlog; we have 250 pending statewide, which has been reduced from over 600. The goal is 200. State PTO's are being moved on; the last day of issuance is 5/30. Loretta has 250 actions on her to do list. Andrew Hall handed out placeholder language for the Boiler MACT in Title V permits. At least 50 permits statewide are affected by this vacated MACT.

A suggestion was made to copy developed terms for State PTO's that will not be issued prior to the quiet period. This concern was addressed by the document attached to the end of these notes. This was provided by Erica Engel-Ishida by E-mail following the meeting. Mike Ahern suggested that state PTO's to be issued no review stop being sent down a week before the 5/30 date of final issuance. Loretta has a large amount on her to-do list.

SEDO brought up a concern about portable plants and the use of the conditional terms and conditions. We have always used them to address the issue of more stringent controls for an Appendix A area, but SEDO wanted to know if we can use them for facilities that are not in compliance, but want to relocate. Mike Hopkins said this is fine, but if the facility cannot meet the conditional terms, then the approval should be denied and the facility found to be in violation. Mike is looking at a rule change in regard to this.

Andrew Hall handed out a discussion document about MACT/NSPS vacaturs, which may answer some questions about these vacated rules He also handed out placeholder language for the Boiler MACT in Title V permits. At least 50 permits statewide are affected by this vacated MACT. USEPA has "kinda approved" this language and will not veto permits using this language. He also pointed out that the 112(j) which requested the MACT Hammer has expired. The Feds are trying to pass a rule to correct this.

3 **STARS2 update –** Mike Ahern

Mike handed out copies of the screens from the E-business gateway and demonstrated how the system works. A hard copy pin will be mailed to the responsible authority, as persons with this pin will be the only ones to be able to submit information. Consultants will not be issued a pin for a facility; although they can work in the system, they will not be able to submit information as that can only be done by the party using the pin. Once the information is submitted, it cannot be changed. The responsible official can remove access to a facility form a consultant. There was a suggestion about OCAPP involvement in the viewing of this data when they work with a company. Mike Ahern asked that if the Locals are having issues getting into the test apps., they should let him know. It is important that all offices have word '07 before June 30. Mike also handed out a list of initial Title V permits, extended Title V permits and FESOPS by office. If there are any errors in these lists, you should let Erica know.

4. **Engineering Guide update-**

#6 - PTI for Coal to oil conversion - Cleveland - Mike Hopkins - no progress

#9 - PTI/PTO Determinations for grain dryers - NWDO - Don Waltermeyer and Jim Orlemann working out issues.
#16 - Conditions requiring additional testing - NWDO – Changes have been made and this guide will be redistributed for further comment.
#18 - SO2 compliance determination for boilers – No Update
#20 - VE limits, determination for stack sources - Akron - No progress
#23 - Significant figures for TSP emission limitations - SEDO -SEDO handed out new draft. Please have comments by next meeting.
#24 - Application of Fugitive Dust Requirements to Affected Facilities - Toledo - no progress
#25 - Determination of source numbers and Permit fees for fugitive dust sources - Cleveland - no progress.
#26 - Inclusion of weight of water in the weight of "refuse" charged for incinerators.- NEDO - no progress expected until stars work is further along.
#27 - Determination of Heat input during a boiler stack test - RAPCA – RAPCA handed out new draft. They would like comments by June 15.
#44 - Portable Plants - NEDO – Jim Orlemann reviewed the final document. Changes mostly administrative. NEDO to make changes and Jim will recommend issuance.
#53 - Open Burning Standards - Central Office - Hearing resolved; no progress on guide
#70 - Toxics - Jennie Hunter reviewing. #69 may need changes due to changes in #70. -No progress
#74 - Classification of PM - Central Office -. Andrew Hall and his group can start working on this now that the Feds have passed the PM2.5 rules..
#75- New guide for crushers and non-mettalic material - NSPS OOO - Mike H. - no progress
#76 – New guide on MACT and NSPS incorporation by reference issued final on March 11, 2008.

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A discussion ensued on the list of potential PBR's and General Permits and how the work might be accomplished as part of the BAT rule development project. CDO has been working on a list of potential General Permits and PBR's which is attached to the end of this document. It was noted that general permits are easier to change than PBR's. Also that there are no PBR's for sources over 25 tons per year, or that require stack testing. All should check the PBR web page for the complete list of criteria. The package for the BAT rule development should be sent out soon, probably near the quiet period. The recommendation was the work group doing a BAT should address the possibility for a PBR or general permit after they research and recommendation for BAT for that source group is completed. The format for approval will be the same as for Engineering Guide review. Also, the general permit and PBR should make allowances for SB 265. As a way to address our work load issues, Bob Hodanbosi has requested the need for 90 additional people state-wide, the director is looking at the fee structure in response to this request.

5. **Terms and Conditions** - Cheryl Suttman
Cheryl has updated a number of terms for coating lines and printing operations. She now identifies the date of update on the listing of the term. Cheryl indicated Todd Brown reviewed her language on CEM and COM terms in the library and accepted them. He did want to stress that COM's and CEM's for MACT need to be submitting quarterly reports so that the EER commitment with the USEPA

can be met. The spelling out of the Method 9 procedure is now listed as an option. She will save the old 2107 terms until the SIP is approved.

Next meeting is July 8, 2008

Guidance from Erica regarding transfer of terms for State PTO's 5/13/08 E-mail

This is what will be migrated out of STARS related to permits....

Title V AND State PTO terms and conditions at any stage whether they have been issued or not. This means that if a permit has been issued, at any stage, the terms and conditions will be migrated for the permit. In addition, any permit that is currently in development, not issued, will have the terms and conditions migrated.

Note: The ONLY EXCEPTION to that rule is when a Title V permit has been issued FINAL and there are terms and conditions that are old (dead, no longer valid) working copies of permits that were not issued at any stage.

For example, let's pretend that Ed Fasko from NEDO was working on a Title V permit in STARS in action TVP001. He created the draft terms and conditions and started working on them. Then the company submitted a revised application. So Ed copied the draft terms up to action TVP002 (and did not delete the ones in TVP001). Subsequently the permit was issued draft, PPP, PP and Final - all in TVP002. In Stars2 Ed would see 1 Title V permit, with the permit reason of "Initial", created in Stars2. It would have 2 applications associated with it. The Stars2 permit would have the issued terms and conditions (and issuance documents) for the draft, PPP, PP and Final. This would be a total of 8 documents. However, he would not see the old draft that was not issued in TVP001.

Let's take this a step further. Now let's say this facility's Title V permit is up for a renewal, so the facility has submitted a renewal app in TVP003. Ed has begun composing/revising the draft terms and conditions for the renewal in TVP003. In Stars2 Ed would see (1) the initial Title V permit as described above; and (2) a renewal Title V permit. The renewal Title V permit would have 1 application associated with it and 1 document that would contain the draft terms and conditions Ed was composing.

The terms and conditions coming out of STARS are being put into an HTML file (text). It has been pulled out of the STARS database fields and put into that format.

PLEASE, log into Stars2 and take a look, you can see what I am talking about. The data in testapps right now is as of May 5th

General Permit or Permit-by-rule Development

The purpose of this work effort is to continue to develop GPs and PBRs so as to improve the permitting efficiency of DAPC statewide. If an individual or field office would like to assist in this task please feel free to pick a category. There is no specific deadline that must be met but as a guideline 6 -12 months would be reasonable and a good goal. This effort will be discussed and coordinated at the P&E meetings. Please inform Mike Hopkins or Mike Riggleman if you plan to work on a category.

The following table contains a listing of suggested new permit-by-rule or general permit categories. These categories were suggested by Ohio EPA district office or local air authority permit writing staff. The GP and PBR check boxes are suggestions for the type of permit process that are suggested for the source type. Suggestions for new categories can be proposed at the P&E meetings. Please find below a list of criteria that can be used when determining whether the category should be a GP or PBR.

Source Type	**GP**	**PBR**	**Field Office**	**Action status**
Human Crematories		X	Cleveland	Assigned
Pet Crematories		X		
Small paper/cardboard type waste incinerators		X		
Grain Dryers		X		
Country Grain Elevators	X			
Material Storage Piles		X		
Tire Shredders		X		
Enclosed Waste Transfer Stations	X			
NSPS Kb Storage tanks, with reporting requirements only		X		
Greenhouse coal-fired boilers (low sulfur coal)	X			
Paint burn-off ovens		X		
Dry fertilizer plants (or parts of them)	X			
Wood Tub Grinders		X	CDO	Assigned
Torch cutting		X		
Molding operations	X			
Organic Compound Clean-up processes	X	X		
Asphalt plants	X			
Additional paint booth categories	X	X		
Diesel engines/generators			SEDO	Assigned
Aggregate facility				

General comments to consider:

Ohio EPA, DAPC
MEH:5/25/2010:GPPBRList.doc

1. Human/pet crematory furnaces, paper/cardboard incinerators and part hook burn-off ovens are good PBR categories. However, although emissions are not a problem, the need to stack test may be a concern. PBRs do not, and should not, be for sources that require stack testing. If DAPC makes a collective decision not to require stack testing, then proceed with PBR. If not, consider general permit.

2. Grain dryers are subject to NSPS Sub DD if elevator storage capacity exceeds 2.5 million bushels. The NSPS also applies to grain receiving, loading, and all handling operations. With the exception of the natural gas boiler/heater PBR, all PBR's were written to avoid any NSPS rules. DAPC needs to decide if a PBR can be used for a NSPS source, especially if the NSPS requires special reporting, testing, etc.

3. Not sure if tire shredders is a good PBR category. I don't think there are many in the state, similarity in design, controls, etc.

4. NSPS Storage tanks – good PBR category as long as the PBR qualifications limit the eligible tanks, i.e., only fixed roof tanks, no tanks w/floating roofs or vapor recovery systems required, etc. Including all tanks would be way too complicated for the PBR.

5. Tub grinders – main pollutant concern seems to be NOx from integral diesel engine. However, fugitive dust from the grinding may be a big compliant issue. Units typically don't operate many hours per year and many are portable. Suggest asking Akron LAA for their experience in dealing with these units.

6. Suggest torch cutting be a permanent exemption under 31-03, not PBR or GP.

7. What kind of molding operations? A good GP category is for reinforced plastic composites, (fiberglass bathtubs, whirlpools, sinks, swimming pools, etc.) With the recent 21-07 revisions, these operations are subject to the RPC MACT subpart WWWW. Most of these facilities could use a facility-wide, synthetic minor GP to keep styrene emissions under 10 tpy.

8. Low-usage paint booths are a good PBR category (many exist, individual emissions low, common design, etc.) but several new area source NESHAP rules really complicate the requirements. DAPC needs to decide if PBR is a good vehicle for sources subject to area source NESHAPs.

9. Non-emergency use diesel engines – good PBR category. Main concern is staying under 25 tpy for NOx, which often necessitates an operating hours restriction. Size of engine varies, affecting emissions. PBR should be for all piston IC engines, not turbines, regardless of the power application (i.e, generator, pump, compressor, crusher, etc.)

10. Country grain elevators – it would be nice to have one facility-wide GP that covered grain receiving, loading, handling, drying, and roadways. Then the industry would get a long-desired break on permit fees.

Existing General Permits

Boilers (nat. gas and oil 10- 45mmBtu)
Drycleaning Operations
Miscellaneous Metal Parts Painting Lines
Ready Mix Concrete Batch Plants
Unpaved Roadways and Parking Areas
Paved Roadways and Parking Areas
Storage Piles

Existing Permit by Rule

Auto body shops
Gasoline Dispensing Facilities (both stage I and II)
Boilers and heaters (nat. gas 10mmBTU - 100mmBTU)
Printing facilities (small and midsized)
Emergency generators/pumps/compressors
Resin compression/injection molding
Crushing/screening equipment
Soil remediation activities

Criteria for determining whether a category should be a GP or PBR:

General Permit

-there are a fair number of sources that are similar in design and operation;
-air emissions do not exceed NSR and PSD thresholds;
-allows for stack testing;
-can be a synthetic minor

Permit by Rule

-there are a fair number of sources that are similar in design and operation;
-the sources have few applicable air pollution regulations;
-the regulations are not likely to change;
-the emissions from the sources are well defined and the sources do not have the potential to emit large quantities of air emissions, < 25 TPY PTE;
-the sources do not need to employ add-on pollution control devices;
-the sources do not require stack testing; and
-the sources employ a proven type of technology or clean design which is unlikely to change significantly in the near future.

P & E minutes March 11, 2008

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